



# Frequently Asked Questions about Proposed Oil Transfer Rules

from Spill Prevention, Preparedness, and Response Program (Spills)



## Overview

The 2004 Legislature adopted a “zero spills” goal for the state and required Ecology to increase our role during oil transfers. In addition Ecology was mandated to develop standards for pre-booming oil transfers and oil spill prevention alternatives. In complying with this mandate we are in the process of rulemaking to develop two new rules for vessels (WAC 317-40) and facilities (WAC 173-80). The following FAQ will help identify some key areas of the new rules.

**Q:** *What is the new classification of facilities?*

**A:** All facilities that transfer oil in bulk over the water with non-recreational vessels will now be classified in 1 of 4 ways and each of these classes are properly defined in WAC 172-180-025. The new classification system will help identify each facility for the purpose of scaling the requirements for compliance with the new rules.

- Class 1 facilities conduct transfers with tank vessels or transmission pipelines like the oil refineries and large tank farms.
- Class 2 facilities are tank trucks, railcars, and any other portable tanks used to transfer oil to or from any non-recreational vessel regardless of size or capacity.
- Class 3 facilities conduct transfers with a non-recreational vessel with a total oil capacity of 10, 500 gallons or greater. Class 3 facilities are also regulated by the Coast Guard but do not transfer with tank vessels or pipelines.
- Class 4 facilities are marinas or marine fuel outlet that transfer oil with a non-recreational vessel with a total oil capacity

under 10, 500 gallons and doesn't meet any of the other classification criteria

**Q:** *I own or operate a vessel. What rules apply to me?*

**A:** The rules do apply if you own or operate a non-recreational vessel and conduct oil transfers with any class facility or another non-recreational vessel. Non-recreational vessels that *receive* oil must comply with any facility requirements asked of them and any non-recreational vessel *delivering* oil must meet the requirements of the vessel oil transfer standards. These rules do not apply to the owner or operator of a vessel being used for personal pleasure.

**Q:** *What is pre-booming?*

**A:** Pre-booming is boom deployed in the water, surrounding the vessel and transfer area directly involved in the transfer operation. Pre-boom is done prior to the movement of oil to provide for maximum containment in an event of oil spill. The Transfer Containment and Recovery Standards section found in the facility and



vessel rules pertains to the "pre-booming" requirements.

***Q:** What is Rate A and Rate B and what is the difference between them?*

**A:** Rate A: oil transfers operations at a rate over 500 gallons per minute.

Rate B: oil transfer operations at a rate of 500 gallons per minute or less.

Rate A deliverer have a greater level of response and recovery requirements for each oil transfers. Rate A deliverers must also determine beforehand the threshold determination of safe and effective for each transfer location for personnel to use to assist in making the safe and effective determination.

***Q:** Who is required to pre-boom?*

**A:** Any delivering person transferring oil greater than 500 gallons per minute (Rate A) must preboom if it is safe and effective to do so. Rate B deliverers may choose to pre-boom or deploy response boom after a spill.

***Q:** What is Advance Notice of Oil Transfers and what information is required?*

**A:** Ecology is requiring 24 hours advance notice of transfers (except from Class 4 facilities) to allow us to schedule inspections of transfers around the state. The notification is in accordance with current Coast Guard requirements. Ecology is developing a web based form to consolidate the reporting. This method of reporting will ease the burden on those required to provide the notice and reduce paperwork for Ecology and Coast Guard as

well. The following information will be required in the notification:

- Who is transferring oil
- What oils are being transferred
- When the transfer is occurring
- Where the transfer takes place
- How long the transfer will take
- Will pre-booming be require

***Q:** How long will I have to comply with these rules?*

**A:** The compliance schedule varies for the section of the rule and the type of operation. Generally, most requirements are 90 days from the effective date of the rules; however, there are some significant requirements that are different.

- Advance notice of transfer from the deliverer is required 30 days from the effective date of the rule
- Safe and effective threshold determination report for delivering vessels is due for approval 180 days from the effective date of the rule
- Safe and effective threshold determination for delivering facilities is due with the Operations Manual
- Alternative compliance is due from Rate A and B deliverers 120 days before planned alternative operation.

For more information visit our website: [www.ecy.wa.gov/programs/spills/spills.html](http://www.ecy.wa.gov/programs/spills/spills.html).